

Message Text

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PAGE 01 STATE 083809
ORIGIN ARA-14

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DRAFTED BY ARA/CEN DKNIGHT:WMATTHEWS:NAB
APPROVED BY ARA SASHELTON
L:RDALTON
SCS:AGISE

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O 010027Z APR 78
FM SECSTATE WASHDC
TO AMEMBASSY MANAGUA IMMEDIATE

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E.O. 11652: N.A.

TAGS: CARR, PINR, NU

SUBJECT: AMCIT CHARITON CASE

REFERENCE: STATE 246499

1. IT IS OUR UNDERSTANDING THAT CHARITON HAS BEEN ADMINISTRATIVELY CONVICTED OF A COMMON CRIME (SMUGGLING), THAT HE IS APPEALING THAT CONVICTION, THAT THE CHARGES PENDING ARE ALSO FOR A COMMON CRIME (EMBEZZLEMENT AND POSSIBLE FRAUD), AND THERE IS NO IMPLICATION THAT THOSE CHARGES ARE BASED ON POLITICAL ACTS OR STATEMENTS. IT IS ALSO OUR UNDERSTANDING THAT, THOUGH THE JUDICIAL PROCEDURES AGAINST HIM HAVE BEEN LAMENTABLY SLOW, HE IS NONETHELESS BEING PROSECUTED IN ACCORDANCE WITH NICARAGUAN LAW. IT IS OUR FURTHER UNDERSTANDING THAT HE IS IN NO KNOWN PHYSICAL DANGER OF EITHER MOB ACTION OR
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EXTRA-LEGAL ACTION BY THE GON.

2. IN THE EVENT THAT THE GON IS NOT AMENABLE TO ALLOWING CHARITON TO LEAVE NICARAGUA, YOU MAY BE FACED WITH A LONG-TERM SITUATION WHICH POSES PROBLEMS FOR THE EMBASSY AND OUR RELATIONS WITH THE GON, AND WHICH COULD ESTABLISH AN UNDESIRABLE PRECEDENT OF USC'S ACCUSED OR

CONVICTED OF COMMON CRIMES SEEKING REFUGE AT A.S. EMBASSY.

3. THE INSTRUCTION GIVEN IN PARA. 3 OF REFTTEL IS RECONFIRMED. IF CHARITON PERSISTS IN HIS REFUSAL TO LEAVE, EMBASSY IS REQUESTED TO CONTACT APPROPRIATE PARTIES TO SEE IF PROMPT SOLUTION POSSIBLE. EMBASSY SHOULD ENSURE THAT IT IS NOT REPEAT NOT A PARTY TO A BARGAINING OR NEGOTIATING PROCESS ON THE AMOUNT OF THE SETTLEMENT OR RELATED CONDITIONS.

4. IF MATTER IS NOT SETTLED BY TUESDAY(APRIL 4), AMBASSADOR IS INSTRUCTED TO ENSURE CHARITON'S DEPARTURE FROM EMBASSY GROUNDS IF HE PERSISTS IN HIS REFUSAL TO LEAVE AT END OF REGULAR BUSINESS HOURS.

5. IF, PRIOR TO OR AT THE TIME OF THE ABOVE STEPS, EMBASSY RECEIVES REQUEST FROM GON THAT CHARITON BE SURRENDERED TO POLICE CUSTODY, AMBASSADOR IS INSTRUCTED TO ARRANGE WITH POLICE TIME AT WHICH CHARITON WILL BE ESCORTED OFF EMBASSY PROPERTY.

6. PLEASE ADVISE CURRENT STATE OF THE SITUATION, INCLUDING ANY ACTION TAKEN OR UNDER CONSIDERATION BY THE GON.

7. IF CHARITON'S DEPARTURE FROM EMBASSY IS INVOLUNTARY, LIMITED OFFICIAL USE

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GUARANTEE OF PROPER TREATMENT SHOULD FIRST BE OBTAINED FROM AUTHORITIES.

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